

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

COUNTER-NOTICE IN RESPONSE TO NOTICE OF CLAIMED INFRINGEMENT OF
COPYRIGHT BY COPYRIGHT OWNER OR AGENT

TO Axxs.org Community Web Hosting

1. We, the individuals whose names are stated below, having received a copy of a notice of claimed infringement from you under regulation 20J of the Copyright Regulations 1969 in relation to the copyright material specified in the Schedule (the specified copyright material), issue this counter-notice for the purposes of condition 3 of item 4 of the table in subsection 116AH (1) of the Copyright Act 1968 and regulation 20K of the Copyright Regulations 1969 .
2. We are the users who directed you to store the specified copyright material on your system or network.
3. We believe, in good faith on the grounds set out in paragraph 4, that the notice of claimed infringement was issued because of:
 - (a) a mistake as to fact or law in relation to the specified copyright material, or
 - (b) a mistake in identifying the specified copyright material.
4. The grounds for our belief in the statement in paragraph 3 are as follows:

All Material on the websites hosted by Axxs.org through the nameservers ***ns1.axxs.org*** and ***ns2.axxs.org***, in relation to the domains ***miningnsw.com.au***, ***miningnsw.com***, and ***nswmining.com***, and the copyright to that material, including, but not limited to all text, graphics, layout, html code and php code, is entirely owned by us, OR used with permission of the respective copyright holder.

Some Material is similar to the material on the website ***nswmining.com.au***, this is fair use under Copyright Act 1968 - Sect 41 (Fair dealing for purpose of criticism or review), AND/OR Copyright Act 1968 - Sect 41A (Fair dealing for purpose of parody or satire).

Some Material includes photographs taken in public places, this come under the Copyright Act 1968 - Sect 65 (Sculptures and certain other works in public places)
5. We agree to comply with the orders of a court having jurisdiction in the place where we live or undertake our business, being a place in Australia .
6. We will accept service of process in any action for infringement of the copyright in the specified copyright material.
7. We have taken reasonable steps to ensure that the information and statements in this counter-notice are accurate.

Ned Haughton
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SCHEDULE

DESCRIPTION OF COPYRIGHT MATERIAL:

the material in question comprises approximately 15-20 html/php documents, and 15-20 digital images.

LOCATION OF COPYRIGHT MATERIAL ON CARRIAGE SERVICE PROVIDER'S SYSTEM OR NETWORK:

the material in question was uploaded to the axxs.org server via the ftp account "rtmining", set up under the domain "miningnsw.com.au".

This account is linked to the user account "naught101" used to log in to the Plesk web administration software via "http://axxs.org:8443"